

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-305-C - ORDER NO. 90-871
SEPTEMBER 17, 1990

IN RE: Proceeding to consider allowing local) ORDER GRANTING
and intraLATA 0+ collect authority) MOTION FOR
for COCOT providers serving) CONTINUANCE
confinement facilities.)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a tariff filing on February 26, 1990, on behalf of Southern Bell Telephone and Telegraph Company (Bell) wherein Bell filed for approval of certain revisions to its Access Service Tariff. The purpose of the revisions was to allow for billing and collection services to clearinghouse agents for calls billed on behalf of properly certified Customer Owned Coin Operated Telephone (COCOT) providers.

Thereafter, a Petition to Intervene was filed on behalf of Coin Telephones, Inc. (Coin); Pay Tel Communications, Inc. (Pay Tel); and Intellicall, Inc. (Intellicall). The matter was duly scheduled for a hearing to commence May 8, 1990.

On April 25, 1990, Bell filed a request to withdraw its tariff filing in this docket. The Intervenor filed a Petition to Disallow the Withdrawal of the proposed tariff revisions. On May 2, 1990, by its Order No. 90-505, the Commission determined that Bell should be allowed to withdraw its proposed tariff in this

matter and that the Intervention should be considered a request to initiate a proceeding to require Bell to provide billing and collection services for intraLATA calls placed at COCOT locations and to consider other related COCOT requests.

On July 10, 1990, the Commision issued its Order No. 90-663, wherein the Commission determined that COCOT providers do not have the authority to carry "0+" collect local and intraLATA traffic. Additionally, the Commission determined that a new proceeding should be initiated to consider whether such authority should be allowed for COCOT providers serving confinement facilities.

On July 19, 1990, Telink Telephone System, Inc. (Telink) filed a Petition to Intervene requesting permission to intervene and be made a party to this proceeding. Telink asserted that by the terms of Order 90-663, the Commission, in scheduling the proceeding to determine the question of whether COCOT's providing service to confinement facilities should be authorized to provide "0+" intraLATA and local collect operator assisted calls, recognized its significance to Telink by specifically holding in abeyance any decision on Telink's application in Docket No. 89-550-C. By its Order No. 90-755, Telink was granted permission to intervene out of time.

On August 24, 1990, Bell filed a Motion to Dismiss Due to Lack of Public Notice alleging that there has been no public notice given, as required by South Carolina Code of Laws, Administrative Procedures Act, (APA), Section 1-23-310, et seq., and that the scope of this docket has been expanded, in essence, to a request for statewide certification by COCOT's to function as Alternative

Operator Service (AOS) providers. This lack of notice, Bell contended, was a fatal procedural defect which required that the instant action be dismissed and that the COCOT's be required to comply with the filing requirements for a certificate of public convenience and necessity as set out in Title 58 of the Code. The Commission, by its Order No. 90-870, denied Bell's Motion To Dismiss, but determined that the initial application has been substantially changed by the course of events. Yet, it further determined that this change did not mandate that the instant docket should be dismissed since such an action would result in a wasteful duplication of the Commission's time and effort. The parties hereto would merely return to the Commission almost immediately to obtain a determination of the important issues now pending.

On August 29, 1990, Coin, Pay Tel, and Intellicall filed a Motion for a Continuance and Motion for Publication to All Interested Parties, requesting that the Commission continue the hearing in order to allow for the publication of the hearing date and issues involved. The issues requested to be published were:

a. Whether COCOT's providing service to confinement facilities should be authorized to provide "0+" interLATA, intraLATA and local automated collect calls utilizing store and forward technology;

b. Whether Pay Tel and Coin should be granted certificates of public convenience and necessity to provide "0+" interLATA, intraLATA and local automated collect calls from confinement facilities utilizing store and forward technology;

c. The appropriate charges for COCOT's providing "0+" interLATA, intraLATA and local automated collect calls from

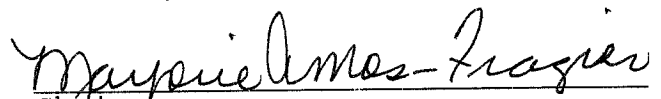
confinement facilities; and

d. Whether local exchange carriers should be required to provide billing and collection services to properly certified COCOT's providing "0+" interLATA, intraLATA and local automated collect calls to confinement institutions at the rates for which billing and collection is provided to interexchange carriers.

After consideration of the record in this matter, the Commission has determined that further and additional public notice is advisable to fully inform all possible interested parties of the date for the hearing and the issues to be decided in this docket. This notice can be most expeditiously effected by a postponement of the hearing for a period of time necessary to allow the publication of a Notice of Proceeding.

IT IS THEREFORE ORDERED that the instant Motion for a Continuance is granted. A Notice of Proceeding should be published by Coin, Pay Tel, and Intellicall in newspapers of general circulation, in the affected areas, one time, and Proof of publication provided to the Commission on or before October 1, 1990. All parties will be provided notice of the rescheduled hearing date.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director
(SEAL)